

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STUART REGES,

Plaintiff,

v.

ANA MARI CAUCE, et al.,

Defendants.

CASE NO.: 2:22-cv-00964-JHC

**COMBINED JOINT STATUS
REPORT AND DISCOVERY PLAN**

Plaintiff Stuart Reges and Defendants Ana Mari Cauce in her official capacity as President of the University of Washington, Magdalena Balazinska in her official and individual capacities, Dan Grossman in his official and individual capacities, and Nancy Allbritton in her official and individual capacities, having conferred on October 18, 2022, pursuant to Federal Rule of Civil Procedure 26(f) and this Court's October 7, 2022 Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement, ECF No. 24, hereby submit the following Combined Joint Status Report and Discovery Plan:

1. Plaintiff Stuart Reges alleges Defendants violated his First and Fourteenth Amendment rights by discriminating against his viewpoint, retaliating against him for his protected expression, and maintaining and applying to him a vague and overbroad policy. Discovery will be necessary and facts will need to be developed regarding the University of Washington administration's response to Professor Reges's statements and the underlying policies related thereto, but this will not be an exceedingly complex case.

2. The parties propose a deadline of December 16, 2022, for the joinder of additional parties.

3. The parties do not consent to assignment of this case to a United States Magistrate Judge.

4. Discovery Plan:

(A) Initial Disclosures were due November 4, 2022, per this Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement, ECF No. 24, and have been exchanged.

(B) The parties expect to seek discovery regarding each of Plaintiff's claims and any defenses Defendants may raise. For timing and potential phasing of discovery, see the proposed Discovery Plan attached as Appendix A.

(C) The parties agree to produce all electronically stored information in a searchable and readable format that preserves all metadata.

(D) The parties agree to produce a privilege log describing each responsive document that was withheld; the date, author or other originator of such document; and the document's recipient, its subject matter, and the reason it was withheld.

(E) At this time, the parties agree there is no need to limit discovery beyond what is mandated by the Federal Rules of Civil Procedure.

(F) The parties are negotiating the terms of a potential stipulated protective order.

5. The parties' views, proposals, and agreements on all items set forth in Local Civil Rule 26(f)(1):

(A) The parties agree to resolve this case as promptly as is practicable.

(B) At this time the parties agree alternative dispute resolution is unlikely to be fruitful in this case.

(C) There are no other cases related to this matter.

(D) See the attached Discovery Plan (Appendix A).

(E) The parties plan to seek discovery on each of Plaintiff's claims and on any defenses Defendants may raise.

(F) See the attached Discovery Plan (Appendix A).

(G) The parties agree to preserve all discoverable information.

(H) The parties agree to produce a privilege log describing each responsive document that was withheld; the date, author or other originator of such document; and the document's recipient, its

subject matter, and the reason it was withheld.

(I) The parties agree to adhere to the Model Protocol for Discovery of ESI.

(J) The parties agree that alternatives to the Model Protocol are not necessary at this time.

6. The parties anticipate that all discovery will be complete by June 19, 2023.

7. The parties do not believe the case should be bifurcated by trying the liability issues before the damages issues, nor should it be bifurcated in any other way.

8. The parties agree there is no reason the pretrial statements and the pretrial order called for by the Local Rules should be dispensed with in whole or in part.

9. The parties do not intend to utilize the Individualized Trial Program set forth in Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1.

10. The parties have no other suggestions for shortening or simplifying the case.

11. The parties anticipate this case will be ready for trial by October 2023.

12. This trial will be a jury trial.

13. The parties believe that three or four trial days will be required.

14. Trial counsel for Plaintiff is Gabriel Walters, Joshua Bleisch, and James Diaz, at 700 Pennsylvania Avenue SE, Suite 340, Washington, DC 20003

and (215) 717-3473. Defendants' trial counsel are David Hosp and Kristina McKenna, at 222 Berkeley Street, Suite 2000, Boston, MA 02116; and Robert McKenna and Aaron Brecher, at 701 Fifth Avenue, Suite 5600, Seattle, WA 98104. Note that after December 2, 2022, Mr. McKenna and Mr. Brecher will be at 401 Union Street, Suite 3300, Seattle, WA 98101.

15. At this time, trial counsel are unaware of any complications to be considered in setting a trial date.

16. Defendants agreed to waive service in this case.

17. At this time, no party seeks a pretrial Fed. R. Civ. P. 16 conference with the judge.

18. Not Applicable.

DATED: November 14, 2022

Respectfully submitted,

/s/Joshua T. Bleisch

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***Pro Hac Vice* Application Pending

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Appendix A

PROPOSED SCHEDULING ORDER DEADLINES

November 4, 2022 Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)
(Per court's Oct. 7 Order)

December 16, 2022 Deadline to add parties
(6 weeks after IDs)

December 16, 2022 Deadline to serve initial Requests for Production and
(6 weeks after IDs) Interrogatories

March 17, 2023 Deadline to complete non-expert depositions
(18 weeks after IDs)

March 31, 2023 Deadline to serve Requests for Admission
(20 weeks after IDs)

April 7, 2023 Disclosure of Plaintiff's expert testimony
(21 weeks after IDs)

April 7, 2023 Disclosure of Defendants' expert testimony
(21 weeks after IDs)

April 21, 2023 Deposition of Plaintiff's expert
(23 weeks after IDs)

April 21, 2023
(23 weeks after IDs)

Deposition of Defendants' expert

May 5, 2023
(25 weeks after IDs)

Deadline for expert rebuttal reports

May 5, 2023
(25 weeks after IDs)

Deadline to file amended pleadings (leave required)

May 19, 2023
(6 weeks before summary
judgment motions)

Deadline to serve Requests for Production and Interrogatories

June 30, 2023
(33 weeks after IDs)

Deadline to file motions for summary judgment